

OCT 26 2006

PTO/SB/51 (10-05)

Approved for use through 04/30/2007, OMB 0851-0033

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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
063073-0110

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 5,974,869, granted 2 November 1999 and for which a reissue patent is sought on the invention entitled NON-VIBRATING CAPACITANCE PROBE FOR WEAR MONITORING

the specification of which

☒ is attached hereto, and amended by the herewith filed Supplementary Amendment.☐ was filed on _____ as reissue application number _____and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Claim 1 of U.S. Patent No. 5,974,869 uses means plus function language which does not encompass some inventions disclosed in the patent specification. Consequently, the inventors have other and broader inventions which were not claimed.

(Page 1 of 4)

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2) Docket Number (Optional)
063073-0110

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/01.

Correspondence Address: Direct all communications about the application to:

☒ The address associated with Customer Number: 27433

OR

☒ Firm or Individual Name Michael D. Rechrin (Reg. No. 30,128) Matthew E. Martin (Reg. No. 53,274)

Address FOLEY & LARDNER LLP
321 N. Clark Street, Ste. 2800

City Chicago State Illinois Zip 60610

Country United States of America

Telephone (312) 832-4500 Email mrechrin@foley.com
mmemartin@foley.com

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)
Steven Danyluk

Inventor's Signature *Steven Danyluk* Date 10/18/06

Residence Atlanta, Georgia Citizenship USA

Mailing Address 3585 Grove Gate Lane, Atlanta, Georgia 30339

Full name of second joint inventor (given name, family name)
Anatoly Zharin

Inventor's Signature *A. Zharin* Date 10/18/06

Residence Minsk, Belarus Citizenship Belarus

Mailing Address Byclourussian PM Association, Platonova Str. 12, Minsk, Belarus 220832

☐ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or ODR attached hereto.

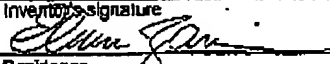
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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) 063073-0110	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.			
Note: To appoint a power of attorney, use form PTO/SB/81.			
Correspondence Address: Direct all communications about the application to:			
<input checked="" type="checkbox"/> The address associated with Customer Number:		27433	
OR			
<input checked="" type="checkbox"/> Firm or Individual Name	Michael D. Rechten (Reg. No. 305128) Matthew E. Martin (Reg. No. 53,274)		
Address	FOLEY & LARDNER LLP 321 N. Clark Street, Ste. 2800		
City	Chicago	State	Illinois
		Zip	60610
Country	United States of America		
Telephone	(312) 832-4500	Email	mrechten@foley.com mmartin@foley.com
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Full name of third joint inventor (given name, family name) Elmer Zanoria			
Inventor's signature 		Date Oct. 19, 2006	
Residence Peoria, Illinois		Citizenship Philippines	
Mailing Address 5205 N. Devonshire Dr., Peoria, IL 61615			
Full name of fourth inventor (given name, family name) Lennox Reid			
Inventor's signature		Date	
Residence Houston, Texas		Citizenship USA	
Mailing Address 14915 Little Leaf Court, Houston Texas 77082			
<input type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets (forms PTO/SB/02A or 02LR attached hereto).			

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(ISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Doclet Number (Optional)
063073-0110

All errors corrected in this reissue application arise without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB-101.

Correspondence Address: Direct all communications about the application to:

☒ The address associated with Customer Number: 27433

OR

☒ Firm or Individual Name: Michael D. Rechten (Reg. No. 30,126) Matthew E. Martin (Reg. No. 3,274)

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City: Chicago State: Illinois Zip: 60610

Country: United States of America

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful declaration is directed.

Full name of third joint inventor (given name, family name)
Blair Zander

Inventor's Signature: _____ Date: _____

Residence: Peoria, Illinois Citizenship: Philippines

Mailing Address: 6205 N. Devonshire Dr., Peoria, IL 61615

Full name of fourth inventor (given name, family name)
Lennax Reid

Inventor's Signature: _____ Date: 24-Oct-2006

Residence: Houston, Texas Citizenship: USA

Mailing Address: 14913 Little Leaf Court, Houston Texas 77082

☐ Additional joint inventors or legal representatives are named on separately numbered sheets Form PTO/SB-101 or 0225 attached hereto.

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2) Docket Number (Optional)
063073-0110

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/51.

Correspondence Address: Direct all communications about the application to:
☒ The address associated with Customer Number: 27433
 OR

☒ Firm or Individual Name: Michael D. Rachtin (Reg. No. 30,128) Matthew E. Martin (Reg. No. 3,274)
 Address: FOLEY & LARDNER LLP
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 City: Chicago State: Illinois Zip: 60610
 Country: United States of America
 Telephone: (312) 832-4500 Email: mraecht@foley.com
 mmartin@foley.com

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of fifth joint inventor (given name, family name)
 Kenneth Hamall
 Inventor's signature: *Kenneth Hamall* Date: 10/23/06
 Residence: Westchester, Ohio Citizenship: USA
 Mailing Address: 6416 Staffordshire Court, Westchester, Ohio 43069

Full name of:
 Inventor's signature: _____ Date: _____
 Residence: _____ Citizenship: _____
 Mailing Address: _____

☐ Additional joint inventors or legal representative(s) are named on separate numbered sheets forms PTO/SB/52A or 52B, attached hereto.

(Page 6 of 4)

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